

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 4349 of 2005

Between:

L. Kamala Phool Singh, W/o. Sri Phool Singh,
Pedda Gottimukkala (V), Shivampet Mandal, Medak District.

..... PETITIONER

AND

1 The Commissioner of Industries, Government of Andhra Pradesh, Chirag

Ali Lane, Hyderabad.

2 The Andhra Pradesh Pollution Control Board,
rep by its Member Secretary, Kavadi Guda, Hyderabad.

3 Hyderabad Chemical Products Limited, Rep by its Managing Director,
Reg. Office, A-24/25, A.P.I.E., Balanagar, Hyderabad - 500 037

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus directing the Respondent No. 1 in issuing "Deemed Approval" for construction of factory building at Pedda Gottimukkala Village of Shivampet Mandal, Medak District vide Proceeding No. 12-2-4-1995, dt. 27-1-2005 as wholly illegal, arbitrary, unjust, unconstitutional and bad in law, opposed to public policy and to pass such other order or orders as deem fit and proper

Counsel for the Petitioner: MR. CHILUMALA PRATAP REDDY

Counsel for the Respondent No.1: GP FOR INDUSTRIES & COMMERCE

Counsel for the Respondent No.2: Mr. S.V. Bhatt

Counsel for the Respondent No. 3: None

The Court made the following Oral Judgment: (per Sri Devinder Gupta, CJ)

The Sarpanch of the Gram Panchayat in his individual capacity has questioned the action of the 1st respondent in having issued deemed approval dated 27.01.2005 in favour of the 3rd respondent informing that the State Level Single Window Clearance Committee in its meeting held on 12.1.2005 granted deemed approval subject to payment of required fee since the Gram Panchayat failed to issue approval by 12.1.2005. Petitioner is questioning the said action on the ground that it is contrary to the provisions of Andhra Pradesh Industrial Single Window Clearance Act, 2002 (hereinafter referred to as “the Single Window Act) since requisite procedure was not followed by the State Level Committee.

Petitioner is also questioning the action of granting deemed approval on the ground that establishment of industry by the 3rd respondent is likely to be a cause of nuisance and environmental problems in the vicinity.

On 9.12.2004, the Commissioner of Industries had informed the Village Secretary of Pedda Gottimukkala, Shivampet Mandal with reference to the application of the 3rd respondent and with reference to the order of rejection passed by the Panchayat that Andhra Pradesh Pollution Control Board has informed him that a decision has been taken by the Board to issue “Consent for Establishment” in favour of the 3rd respondent. Copy of the order passed by the A.P. Pollution Control Board granting “Consent for Establishment” was forwarded to the Panchayat by the Commissioner of Industries. Such order passed by the Board is appealable under the provisions of the Air (Prevention and Control of Pollution) Act, 1981. The said remedy has not been availed by the petitioner nor the said order passed by the Commissioner of Industries is questioned before us. In so far as the orders passed by the State Level Committee is concerned, the said order is subject to review under Section 19 or is subject to revision under Section 20 of the Single Window Clearance Act.

In view of the availability of alternative remedy of appeal, we are not inclined to interfere in the matter. The writ petition is accordingly dismissed. No costs.

DEVINDER GUPTA,CJ

DATE: 11th March, 2005

B. SESHASAYANA REDDY,J

Pnb

To

1 The Commissioner of Industries, Government of Andhra Pradesh, Chirag Ali Lane, Hyderabad.

2 The Member Secretary, Andhra Pradesh, Pollution Control Board, Kavadi Guda, Hyderabad.

3 The Managing Director, Hyderabad Chemical Products Limited, Reg. Office, A-24/25, A.P.I.E., Balanagar, Hyderabad - 500 037.

4 Two CCs to the G.P for Industries and Commerce, High Court of A.P., Hyderabad (OUT)

5 Two C.D copies.

6 1 CC to MR.CHILUMALA PRATAP REDDY